

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

**Patent No.** : 7,430,520  
**Issued** : September 30, 2008  
**Application No.** : 09/637,387  
**Filed** : August 11, 2000  
**Applicant** : Amy Haugen et al.  
**TC/A.U.** : 3688  
**Examiner** : Jean D. Janvier  
**Docket No.** : 2829-140  
**Confirmation No.** : 8884  
**Customer No.** : 6449

**PETITION TO CORRECT PATENT TERM ADJUSTMENT**

Director of the United States Patent  
and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

December 1, 2008

Dear Sir:

Applicants request that the Office revise the Patent Term Adjustment (PTA) calculated in connection with the above-identified now issued U.S. Patent. The number of days calculated by the Office was 1920 days. However, in view of the recent decision in *Wyeth v. Dudas*, the Applicants believe that they are entitled to additional PTA. Specifically, the PTA should be based on the number of days beyond 14 months before applicant received a first office action plus the number of days that pendency exceeded three years, minus any overlap between the two periods.

Filing date = 8/11/00

14 month date 10/11/01

Three year date = 8/11/03

First Office Action = 8/27/03

Issue date = 9/30/08

First period = 685 days

Second period = 1877 days

Overlap = 16 days

Applicant delay = 76 days

Total PTA = 2470 days

PETITION TO CORRECT PATENT TERM ADJUSTMENT

December 1, 2008

U.S. Pat. No. 7,430,520

Thus, the total PTA for this patent should be 2470 days, not 1920 days as originally calculated.

Furthermore, Applicants note the requirement in MPEP § 2733 that an application for a PTA be filed no later than the payment of the issue fee. However, because the opinion in *Wyeth v. Dudas* was just recently issued, that provision of the MPEP is inapplicable in this situation.

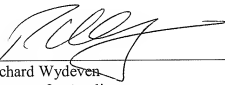
Authorization is hereby given to charge any fee deemed necessary in connection with the filing of this paper, or credit any overpayment, to Deposit Account No. 02-2135.

Respectfully submitted,

Date: \_\_\_\_\_

12/1/08  
(Monday)

By \_\_\_\_\_



Richard Wydeven  
Attorney for Applicants  
Registration No. 39,881  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
Suite 800, 1425 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202)783-6040